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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Delphi Corporation, et al.,	:	Chapter 11
	:	
Debtors.	:	Case No. 05-44481 (RDD)
	:	Jointly Administered
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**RESPONSE OF CONTITECH ELASTOMER COATINGS TO DEBTORS'
SEVENTEENTH OMNIBUS OBJECTION TO CLAIM NO. 9079**

ContiTech Elastomer Coatings ("ContiTech"), by and through its attorneys, hereby submits the following response to the Seventeenth Omnibus Objection of Delphi Corporation and certain of its subsidiaries and affiliates (the "Debtors") to claim no. 9079 (the "Objection"). In support of its response, ContiTech states that it possesses an unsecured claim against the Debtors in the amount of \$129,383.00, as reflected in its proof of claim, filed July 6, 2006 (the "Proof of Claim"). Moreover, ContiTech states that the Debtors have failed to produce any evidence in support of their objection to ContiTech's Proof of Claim.

Substantiation of amount of claim 9079

On July 6, 2006, ContiTech filed its Proof of Claim against debtor, Delphi Automotive Systems, LLC, identified as claim no. 9079. Therein, ContiTech asserted a claim totaling

\$129,383.00 in unsecured claims. On June 15, 2007, the Debtors filed their Objection, requesting that the Court modify claim no. 9079 by reducing ContiTech's total claim to \$117,611.00.

While the Debtors have offered no justification for their objection or any evidence to substantiate the proposed claim reduction, the amount of the proposed reduction equals \$11,772.00. This is precisely the amount that remains due and owing on invoice number 7018010, which was attached to the Proof of Claim. Invoice no. 7018010 was issued on July 1, 2005, and reflected a total amount of \$29,430.00. Subsequently, partial payment, in the amount of \$17,658.00, was made on this invoice; leaving a balance due of \$11,772.00. A true and accurate copy of invoice no. 7018010 is attached hereto as exhibit A, along with true and accurate copies of the delivery note, and evidence of payment of the amount of \$17,658.00 to ContiTech. As evidenced by the foregoing, the Debtors remain liable to ContiTech for the remaining balance on invoice no. 7018010 in the amount of \$11,772.00. Therefore, to the extent that the Debtors are objecting to ContiTech's claim on the basis of having no further liability on invoice no. 7018010, their objection is meritless and must be denied.

The Objection fails for lack of evidence

The Debtors objection must also be denied for its failure to offer any evidence or justification for the proposed claim reduction.

11 U.S.C. § 502(a) states that a claim or interest, proof of which is filed under section 501 of title 11, is deemed allowed, unless party in interest objects. *11 U.S.C. § 502(a)*. However, Federal Rule of Civil Procedure 3001(f) provides that a proof of claim executed and filed in accordance with the bankruptcy rules shall constitute prima facie evidence of the validity and amount of the claim. *Fed. R. Bankr. Proc. 3001(f)*.

It is undisputed that, on July 6, 2006, ContiTech filed its Proof of Claim and supporting documents with the Court. Therein, ContiTech set forth the bases for its unsecured claim, totaling \$129,383.00, against the Debtors. Neither the timeliness, content, nor validity of the Proof of Claim, or the documents filed in support of the Proof of Claim, have been challenged by the Debtors.

In their June 15, 2007, Objection, the Debtors challenge ContiTech's claim as stating "the incorrect amount" or as "overstated". *See Seventeenth Omnibus Objection at 17*. However, the Debtors have failed to offer any evidence in support of this allegation. Because the Debtors have failed to offer any evidence to support their Objection in the face of ContiTech's claim, their Objection should be denied by the Court. *Cf., Lundell v. Anchor Constr. Specialists, Inc. (In re Lundell)*, 223 F.3d 1035, 1039 (9th Cir. Ariz. 2000) (Upon objection, a proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." Therefore, to defeat a proof of claim the objecting party must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves.")

WHEREFORE, ContiTech respectfully requests that the Court deny the Objection to the ContiTech's claim no. 9079, and enter an order allowing ContiTech's unsecured claim in the amount of \$129,383.00.

Respectfully submitted,

/s/ James M. Lawniczak

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing response has been filed electronically this 12th day of July, 2007, with the U.S. Bankruptcy Court for the Southern District of New York. Notice of this filing will be sent via electronic mail to all parties who have entered an appearance by operation of the Court's electronic filing system. Additionally, copies of the foregoing were served via regular U.S. Mail, proper postage pre-paid, upon the following parties:

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One of the Attorneys for ContiTech
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